

**UNITED STATES DISTRICT COURT**

**for**

**EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

**U.S.A. vs. Perry Joseph Rogers**

**Docket No. 5:02-CR-300-1H**

**Petition for Action on Supervised Release**

COMES NOW Michael C. Brittain, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Perry Joseph Rogers, who, upon an earlier plea of guilty to Felon in Possession of Firearm in violation of 18 U.S.C. § 922(g)(1) & 924, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on June 23, 2003, to the custody of the Bureau of Prisons for a term of 90 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in a vocational training program as directed by the probation office.

On September 7, 2006, Rogers appeared before the court on a Rule 35 motion and his sentence was reduced to 60 months in custody. Perry Joseph Rogers was released from custody on May 25, 2007, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:**

Mr. Rogers tested positive for marijuana in a sample that was obtained on June 14, 2007. The sample was confirmed positive by the laboratory on June 19, 2007. When confronted with the positive results, Mr. Rogers admitted use of marijuana on one occasion on or about June 7, 2007. Mr. Rogers denied any addiction to illegal substances and declined the offer of any substance abuse treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

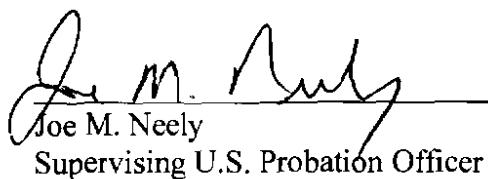
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**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

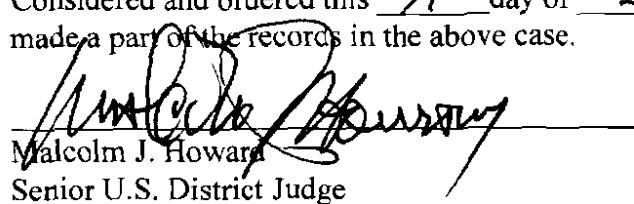
  
Joe M. Neely  
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

  
Michael C. Brittain  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: (919) 861-8660  
Executed On: July 30, 2007

**ORDER OF COURT**

Considered and ordered this 31<sup>st</sup> day of July, 2007, and ordered filed and made a part of the records in the above case.

  
Malcolm J. Howard  
Senior U.S. District Judge